

EXHIBIT A

David Bodner
11/12/2019

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1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 CASE NO. 18-CV-6658 (JSR)
5 CASE NO. 18-CV-10936 (JSR)

6 -----
7 IN RE: PLATINUM-BEECHWOOD LITIGATION
8 -----

9 MARTIN TROTT and CHRISTOPHER SMITH, as Joint
10 Official Liquidators and
11 Foreign Representatives of
12 PLATINUM PARTNERS VALUE ARBITRAGE FUND L.P.
13 (in Official Liquidation), and
14 PLATINUM PARTNERS VALUE ARBITRAGE FUND L.P.
15 (in Official Liquidation),

16 Plaintiffs,

17 vs.

18 PLATINUM MANAGEMENT (NY) LLC, et al.,

19 Defendants.
20 -----

21 (Caption continued)

22 MEDIA VERSION - CONTAINS CONFIDENTIAL PORTION
23 Pages 411-421 have been designated Privileged and
24 Confidential and have been included herein
25

26 TRANSCRIPT OF VIDEOTAPED DEPOSITION OF
27 DAVID BODNER
28 TRANSCRIPT of the stenographic notes of
29 the proceedings in the above-entitled matter, as
30 taken by and before TAB PREWETT, a Registered
31 Professional Reporter, a Certified LiveNote
32 Reporter, Certified Shorthand Reporter and Notary
33 Public, held at the offices of US Legal Support
34 Company, 90 Broad Street, Suite 603, New York,
35 New York, on Tuesday, November 12, 2019,
36 commencing at 10:37 a.m.

1 David Bodner

2 A Yes.

3 Q And tell me what you know about
4 that trust.

5 A I think that was set up, if I'm not
6 mistaken, for my mother's estate.

7 Q Okay.

8 A My mother passed away in 2009.

9 Q Okay. So you would have set this
10 trust up or had it set up?

11 A I think I had it set up at that
12 time.

13 Q How about the 57th Street SPV
14 Partners LLC?

15 A I have no clue what that is.

16 Q Okay. How about the Broad Capital
17 Associates Inc.?

18 A That was the name of the company
19 that was set up for my partnership with Murray.
20 That's what we did business under.

21 Q Okay. So Broad Capital Associates,
22 Inc., was a two-person partnership with you and
23 Mr. Huberfeld?

24 A As far as I recall.

25 Q Do you remember when that was set

1 David Bodner

2 Q Why are you paying her lawyer if
3 she tried to blackmail you?

4 A Because I felt it was the right
5 thing. She's in this case because of me. What
6 she did to me was wrong, but I felt that -- you
7 know, somebody works for me -- I don't think
8 she's a girl of means.

9 Q Right. Okay. Let me just ask a
10 question. Let's look at 137 quickly.

11 (Exhibit No. 377 Tab 137, Document,
12 a Wall Street Journal article from
13 March 15, 1990, entitled "US Probes Alleged
14 Scam in Broker's Test," no Bates number,
15 Document is marked by the reporter for
16 identification.)

17 Q 137, I don't have a Bates number.
18 It's a Wall Street Journal article from 1990,
19 March 15, 1990. And it's titled:

20 "US Probes Alleged Scam in Broker's
21 Test."

22 And it says in the middle of the
23 paragraph:

24 "Last month the US attorneys in
25 Brooklyn filed a complaint that outlined the

1 David Bodner
2 alleged scheme and named seven defendants, two of
3 whom have allegedly taken the seven series exam
4 for four brokers: Murray Huberfeld, Jacob
5 Elbogen, Solomon Lonsfeld [phonetic], and David
6 Bodner. The seventh individual, Aaron Elbogen,
7 allegedly served as a middleman making
8 arrangements for Bowman [phonetic] to take the
9 test for her" brother -- "first brother Jake."

10 Do you remember this incident?

11 A Yes.

12 Q What happened to it? What
13 ultimately happened?

14 A I pleaded guilty to iden -- I think
15 so -- to identification, you know, something with
16 identification. I got a misdemeanor and, I
17 think, one-year probation.

18 Q Okay. So it was a misdemeanor?

19 A Yes.

20 Q Okay. All right. If we look at
21 138, I think we referenced this, but, again, no
22 Bates number.

23 (Exhibit No. 377 Tab 138, FDIC
24 Order, Document is marked by the reporter
25 for identification.)

1 David Bodner

2 Q But this is an FDIC order
3 apparently, I guess, or settlement, where it
4 says:

5 "Whereas this agreement pertains to
6 allegations that Bodner and Huberfeld did not
7 seek the prior approval of the FDIC pursuant to
8 section 19 of the FDIC act before an investment
9 was made that became an beneficial interest in
10 the name of Laura Huberfeld and Naomi Bodner
11 Partnership of more than 25 percent in the
12 Norcrown Trust, Livingston, New Jersey, an
13 unregistered bank holding company that owns more
14 than 99 percent of the voting shares of
15 Norcrown."

16 Do you remember this incident?

17 A Yes.

18 Q Okay. And did you pay a fine with
19 regard to this settlement?

20 A I don't think so.

21 Q Okay. So why did you use your wife
22 when -- to run -- to own this bank apparently on
23 the paperwork when, in fact, it was you?

24 MR. HERTZBERG: Form.

25 A Again, you are saying it was me.

1 David Bodner

2 It was not me. It was my wife. She opened it,
3 and it was her investment.

4 Q Right. But that's not what the
5 FDIC found. The FDIC found that --

6 A I don't know.

7 Q -- basically you owned and you just
8 used her as a front.

9 A I don't know if that's what they
10 found, but she owned it; and she got the proceeds
11 from it. It was her bank when it was sold.

12 Q Okay. So how do you know Kevin
13 Cassidy?

14 A I met him. I think I met him
15 through Mark Nordlicht.

16 Q Okay. And when did you -- you
17 understood he served time in prison?

18 A I knew he served time in prison.

19 Q Do you know why?

20 A I think it had to do with Option --
21 I think he served time before Optionable for some
22 violation of something, and then for Optionable
23 he got into trouble.

24 Q Okay. All right. And then do you
25 recall meeting with him soon after he was

1 David Bodner

2 week or two? How did it work?

3 A No, I think it was a long overlap.

4 I think Angela was the secretary, and he was my
5 bookkeeper.

6 Q He was your personal bookkeeper?

7 A He did my personal stuff, yes,
8 bills, stuff that the accountant needed.

9 Q Is that separate from the work that
10 your accountant did for you?

11 A Yes, the accountant asked him for
12 certain things.

13 Q Was he employed by Platinum?

14 A I'm not sure.

15 Q Did you -- I am talking about Motti
16 Fox here.

17 A Yes.

18 Q Did you pay him personally?

19 A He might have been paid from Broad
20 Capital.

21 Q What is Broad Capital?

22 A Broad Capital was a partnership
23 that I had with Murray.

24 Q Why would he be paid out of Broad
25 Capital?